

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-11707
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
August 26, 2005
THOMAS K. KAHN
CLERK

D. C. Docket No. 04-00520-CV-J-32
BKCY No. 03-09605-3F7

IN RE: JERRY L. HARRELSON,

Debtor,

LORRAINE H. HARRELSON,

Joint Debtor.

GORDON JONES, Trustee,

Plaintiff-Appellant,

versus

JERRY L. HARRELSON,
LORRAINE H. HARRELSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(August 26, 2005)

Before BIRCH, BARKETT and COX, Circuit Judges.

PER CURIAM:

Gordon P. Jones, trustee of the bankruptcy estates of Jerry L. Harrelson and Lorraine H. Harrelson (“Trustee”), appeals the judgment of the district court affirming the decision of the bankruptcy court. The Trustee argues that a brokerage account purchased with workers compensation benefits no longer retains its character as workers’ compensation benefits exempt from creditors under Florida Statutes § 440.22. However, we agree with the district court that proceeds of a workers’ compensation lump sum settlement retain their character as “workers’ compensation benefits in the hands of the beneficiary” when those proceeds are deposited in a brokerage house deposit account and used to purchase securities. *See Broward v. Jacksonville Med. Ctr.*, 690 So. 2d 589, 591 (Fla. 1997). The judgment of the district court is, therefore,

AFFIRMED.